



City of Rockport
TREE AND LANDSCAPE COMMITTEE REGULAR
MEETING AGENDA
TUESDAY, APRIL 15, 2025 - 4:00 PM
ROCKPORT SERVICE CENTER
2751 STATE HIGHWAY 35 BYPASS
ROCKPORT, TEXAS 78382

Notice is hereby given that the Rockport Tree and Landscape Committee will hold a Regular Meeting on Tuesday, April 15, 2025, at 4:00 PM. The meeting will be held in person at the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas. The live stream link to view the meeting is <https://rockporttx.portal.civicclerk.com/> .

I. Opening Agenda

1. Call Meeting to Order. ()

II. Regular Agenda

2. Deliberate and act on the November 20, 2024, minutes as presented. ()
3. Hear, deliberate, and act on a Tree Survey and Mitigation Plan presented for Kokomo PH VI Subdivision located at 3502 SH 35 Bypass, also known as T T Williamson Survey 219 ABS A219 6.0 Acres.
()
4. Discussion regarding an Ordinance amendment to Chapter 106 Vegetation Article II Tree Regulations. ()
5. Discussion regarding the placement of advertising for the Tree Ordinance on the City of Rockport Water Bills. ()
6. Update regarding Tree Mitigation and Preservation Account balance. ()
7. New Business
 - a. Discussion regarding future Agenda Items. ()
8. Old Business ()

III. Adjourn

9. Adjourn ()

CERTIFICATION

This is to certify that I, Carey Dietrich, posted this Agenda at 3:30pm on April 11, 2025, on the bulletin board of the City of Rockport Service Center, 2751 S. H. 35 Bypass, Rockport, Texas 79382.

A handwritten signature in black ink, reading "Carey Dietrich". The signature is written in a cursive, flowing style.

Carey Dietrich
Director of Building and Development

TREE AND LANDSCAPE COMMITTEE AGENDA

Notice is hereby given that the Rockport Tree and Landscape Committee will hold a meeting on Tuesday, April 15, 2025, at 4:00 pm. The meeting will be held at Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

Public participation is valued and citizens wishing to express their views on agenda items can electronically submit a citizen participation form in order to register to speak by going to <https://rockporttx.gov/MyAccount/?from=Url&url=%2FFormCenter%2FCitizen-Participation-Form-7%2FBoard-and-Commission-Comment-Participati-56>. Using the same form, citizens can also provide written comments to the Community Planner by 3:00 p.m. on the day of the meeting. The Chair will read the comments and they will be summarized in the minutes of the meeting.

The matters to be discussed and acted upon are as follows:

Opening Agenda

Call meeting to order.

Regular Agenda

1. Deliberate and act on the November 20, 2024, minutes as presented.
2. Hear, deliberate, and act on a Tree Survey and Mitigation Plan presented for Kokomo PH VI Subdivision located at 3502 SH 35 Bypass, also known as T T Williamson Survey 219 ABS A219 6.0 Acres.
3. Discussion regarding an Ordinance amendment to Chapter 106 Vegetation Article II Tree Regulations.
4. Discussion regarding the placement of advertising for the Tree Ordinance on the City of Rockport Water Bills.
5. Update regarding Tree Mitigation and Preservation Account balance.
6. New Business
 - a. Discussion regarding future Agenda Items.
7. Old Business
8. Adjourn.

Special Accommodations

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213 ext. 225 or fax (361) 790-5966 or e-mail citysec@cityofrockport.com for further information. Braille is not available.

Certification

I certify that the above notice of meeting was posted on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas on Friday, April 11, 2025, by 5:00 p.m. and on the City's website at www.cityofrockport.com. I further certify that the following News Media were properly notified of this meeting as stated above: *The Rockport Pilot* and *Corpus Christi Caller Times*.

Carey Dietrich

Carey Dietrich, Community Planner / Asst Director Building & Planning

TREE & LANDSCAPE COMMITTEE MINUTES

On this the 20th day of November 2024, the Tree and Landscape Committee of the City of Rockport held a Meeting at 4:00 P.M. at Rockport Service Center, 2751 SH 35 Bypass, Rockport, Texas and notice of meeting giving time, date and subject having been posted as described in V.T.C.A., Government Code § 551.041.

Members Present

Shelly Steckler-Chairperson
Carla Rinche-Belaire
Linda Frank
Laura Denham

Members Absent

Ginger Easton Smith

Staff Members Present

Carey Dietrich, Director Bldg. & Dev, Community Planner, Building Official
Belinda Garcia, Administrative Coordinator
Stacy Cantu, Bldg. & Dev, Planning Technician
Judy Emerson, Code Enforcement
Andrea Hattman, Council Liaison
Robert Argetsinger, IT

Guest(s) Present

Zero (0)

Call to Order

1. Chairperson Shelly Steckler called the meeting to order at approximately 4:00 pm.
Quorum is present

Regular Agenda

2. Discussion, consideration, and action for nominations and election of Chair, Vice-Chair, and Secretary.

Nominations- Chair – Member Denham nominated Ginger Smith. Member Belaire seconded the nomination. Motion Passed Unanimously

Vice Chair - Member Denham nominated Shelly Steckler. Member Belaire seconded the nomination. Motion Passed Unanimously

Secretary – Member Denham nominated Linda Frank. Member Belaire seconded the nomination. Motion Passed Unanimously

3. Deliberate and act on September 25, 2024, minutes as presented.

Member Denham motion to approve the minutes for September 25, 2024, as presented. Member Belaire seconded. Motion Passed unanimously.

4. Discussion, consideration, and action on October 22, 2024, minutes as presented.

Member Frank motion to approve the minutes for October 22, 2024, as presented. Chair Steckler seconded the motion. Motion Passed unanimously.

5. Discussion, consideration, and action regarding expenditures for Arbor Day.

No Action Taken

6. Discussion, consideration, and action regarding a request for expenditures to purchase landscaping trees for the Main Street Visitors Kiosk and Art Display Restrooms Area.

Member Denham made a motion to approve the request. Member Belaire seconded the motion. Motion Passed unanimously.

7. Discussion, consideration and action regarding a request to repair/replace the irrigation system for the trees and landscaping at the Railroad Depot Property.

Member Denham made a motion to approve, Member Frank seconded the motion. Motion Passed unanimously.

8. Discussion regarding Property Management Plan by Texas Parks and Wildlife for the Bent Oaks Rookery.

Joe Reikers spoke

9. Discussion regarding an Ordinance Amendment to Chapter 106 Vegetation Article II Tree Regulations.

Member Frank made a motion to table to the next meeting. Member Denham seconded the motion. Motion Passed unanimously.

10. Update regarding Tree Mitigation and Preservation Account Balance.

Community Planner Carey Dietrich spoke.

11. New Business

- a. Discussion regarding future Agenda Items.

Discussion- Parks to take over Arbor Day.

Ask South Rockport Neighbors to nominate someone from their Committee.

12. Adjournment.

Member Denham made a motion to adjourn the meeting. Member Belaire seconded. Motion Passed unanimously at 4:45 p.m.

Prepared By:

Belinda Garcia Administrator Coordinator

Approved By:

Ginger Easton Smith, Chairperson



CITY OF ROCKPORT
APPLICATION FOR TREE & LANDSCAPE PLAN REVIEW

INSTRUCTIONS: Please fill out completely, print in ink or use typewriter. If more space is needed, attach additional pages. Along with this application submit seven (7) copies of documentation as requested on the attached instruction sheet. Submit copy of landscaping plan if tree plan is included on same.

ADDRESS AND LOCATION OF PROPERTY: 2202 FM 3036, ROCKPORT 78382

LEGAL DESCRIPTION: KOKOMO SUBDIVISION PHASE 6

DESCRIPTION OF DEVELOPMENT: SINGLE-FAMILY RESIDENTIAL
+ COMMERCIAL DEVELOPMENT @ CORNER OF BYPASS + 3036.

CURRENT ZONING OF PROPERTY: R-2 ZONING

DIMENSIONS (square footage/acreage): 8.006 ACRES OUT OF 62.86 AC.

PROPERTY OWNER/*REPRESENTATIVE - PRINT NAME: JASON A. STAUDT

ADDRESS: 14830 FM 1346, ST. HEDWIG, TX 78152

PHONE NUMBER(S): 210-573-6615

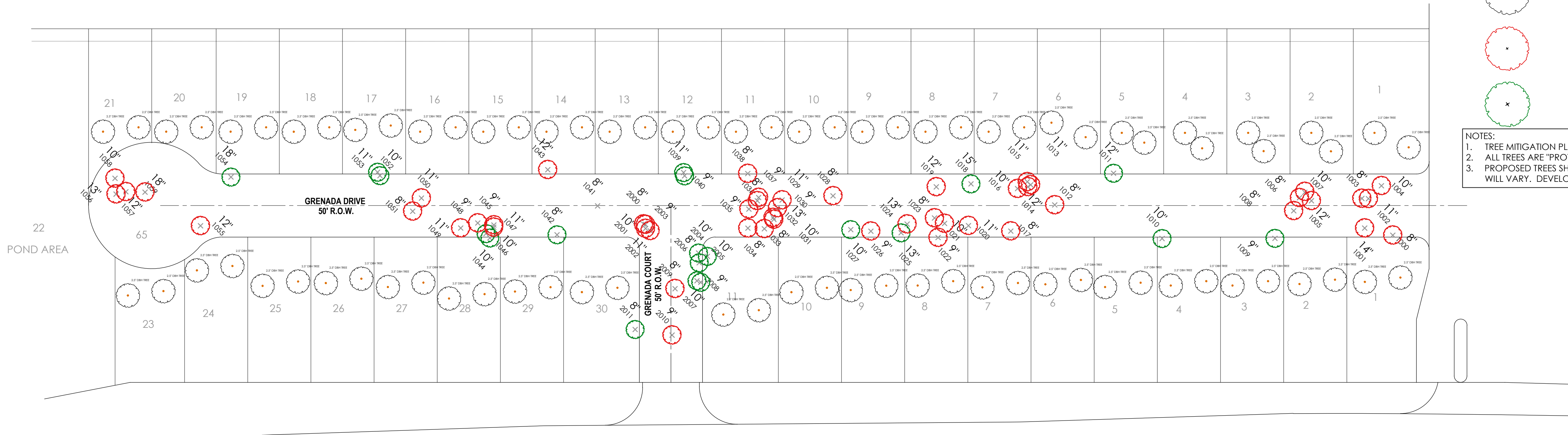
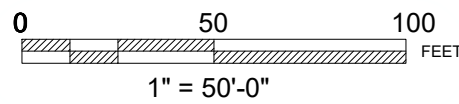
*If representative, do you have property owner's permission for this request? N/A

Signed: [Signature]
(Owner or Representative)

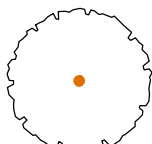
FILING FEE (payable to the City of Rockport): **\$50.00 plus \$20.00 per acre**

Submit application and filing fee to: Department of Building & Development
City of Rockport
2751 S.H. 35 Bypass
Rockport, TX 78382

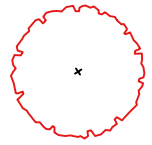
FOR CITY USE		
Received by: _____	Date: _____	Fees Paid: \$ _____
Submitted information (____ accepted, ____ rejected) by: _____		
If rejected, reasons why: _____		



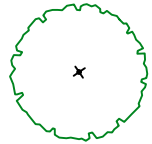
LEGEND:



PROPOSED TREE
SEE LANDSCAPE PLAN FOR SIZE



TREE TO BE REMOVED
SEE TABLE FOR SIZE INFORMATION



TREE TO BE PRESERVED
SEE TABLE FOR SIZE INFORMATION

NOTES:

1. TREE MITIGATION PLAN BASED ON TREE SURVEY DATED JULY 15, 2024
2. ALL TREES ARE "PROTECTED CLASS": 8"-24"
3. PROPOSED TREES SHOWN FOR REFERENCE, FINAL LOCATION ON LOT WILL VARY. DEVELOPER WILL PLANT TWO (2) - 2.5" DBH TREES PER LOT

33.361 ACRES, LONGHORN INVESTORS TO ARANSAS COUNTY, CF#153713, O.P.R.A.C.T.
TEXAS STATE HIGHWAY NO. 35 (RELIEF ROUTE) R.O.W. VARIES

TREE NUMBER	NORTHING	EASTING	TREE DBH
1009	13203597.69	2430128.928	9
1010	13203687.01	2430128.775	10
1011	13203725.42	2430180.484	12
1018	13203838.26	2430172.061	15
1025	13203893.58	2430133.306	13
1027	13203933.41	2430135.833	10
1039	13204065.75	2430181.041	11
1040	13204064.93	2430178.426	9
1042	13204165.91	2430131.748	8
1044	13204219.05	2430129.215	10
1045	13204222.08	2430132.679	9
1046	13204215.97	2430137.689	10
1052	13204306.05	2430178.584	10
1053	13204307.97	2430181.322	11
1054	13204423.98	2430177.472	18
2004	13204053.91	2430117.325	10
2005	13204046.93	2430114.667	10
2006	13204053.35	2430109.581	8
2007	13204055.13	2430095.347	10
2008	13204052.15	2430094.132	9
TOTAL INCHES SAVED:			212

TOTAL INCHES OF TREES ON SITE (>8" DBH):	732
TOTAL INCHES OF TREES REMOVED:	520
TOTAL INCHES OF TREES SAVED:	212
TOTAL INCHES OF PROPOSED TREES:	200
MITIGATION INCHES NEEDED:	108

TREE NUMBER	NORTHING	EASTING	TREE DBH
1000	13203504.37	2430131.404	8
1001	13203526.62	2430137.028	14
1002	13203523.62	2430160.316	11
1003	13203528.85	2430160.541	8
1004	13203513.38	2430170.576	10
1005	13203568.74	2430158.679	12
1006	13203578.2	2430161.071	8
1007	13203574.05	2430165.376	10
1008	13203582.8	2430150.729	8
1012	13203771.94	2430155.38	8
1013	13203790.98	2430171.305	11
1014	13203793.22	2430169.725	12
1015	13203793.68	2430173.69	11
1016	13203801.42	2430168.312	10
1017	13203806.73	2430134.676	8
1019	13203865.71	2430169.685	12
1020	13203840.23	2430139	11
1021	13203859.16	2430140.719	10
1022	13203864.27	2430129.552	9
1023	13203867.11	2430145.044	8
1024	13203888.79	2430140.201	13
1026	13203917.49	2430134.583	9
1028	13203947.44	2430162.566	8
1029	13203987.72	2430159.28	11
1030	13203991.36	2430153.046	9
1031	13203994.84	2430145.377	10
1032	13203994.25	2430143.946	13
1033	13204001.78	2430136.473	8
1034	13204014.84	2430136.972	8
1035	13204014.02	2430152.067	9
1036	13204007.35	2430158.64	8
1037	13204006.3	2430161.256	9
1038	13204014.96	2430180.251	8
1041	13204133.79	2430154.624	8
1043	13204173.24	2430183.28	12
1047	13204215.88	2430139.49	11
1048	13204228.64	2430141.05	9
1049	13204242.14	2430137.068	11
1050	13204273.21	2430160.769	11
1051	13204280.13	2430150.365	8
1055	13204448.07	2430138.858	12
1056	13204514.9	2430163.954	13
1057	13204507.17	2430165.811	12
1058	13204515.74	2430176.431	10
1059	13204491.99	2430165.488	18
2000	13204097.38	2430140.24	8
2001	13204095.89	2430139.871	10
2002	13204095.82	2430136.721	11
2003	13204092.2	2430134.928	9
2009	13204072.5	2430089.049	8
2010	13204074.86	2430052.276	9
2011	13204104.07	2430056.757	8
TOTAL INCHES REMOVED:			520



J. SCHWARZ &
ASSOCIATES, INC.
Professional Engineering Solutions

P.O. BOX 60733
CORPUS CHRISTI,
TEXAS 78466
361-906-2430

F-8138

TBAE BR 2671



Allen Beyer

DIGITALLY SIGNED BY:
ALLEN BEYER, PLA
03/20/2025

CLIENT INFORMATION
KOKOMO
DEVELOPMENT, LP
14830 FM 1346
ST. HEDWIG, TX 78152

PROJECT NAME
KOKOMO
SUBDIVISION
PHASE 6

TREE
MITIGATION

PROJECT LOCATION
ROCKPORT, TEXAS
ARANSAS COUNTY

DATE	03.20.2025
JOB NUMBER	00-000
FILE NAME	tree_extract.dwg
REVISION NUMBER	00

REVISIONS		
NO.	DATE	REVISION
1		
2		
3		
4		
5		
6		

SHEET TITLE

TREE
REMOVAL
PLAN

SHEET

0001
OF 0001

CHAPTER106 VEGETATION

ARTICLE I. IN GENERAL

Sec. 106-1. Title

This chapter shall hereinafter be known as the Rockport Tree and Landscape Regulations for the City of Rockport, Texas.

(Ord. No. 1349, § 2, 9-5-06)

Sec. 106-2. Purpose and scope.

This chapter establishes requirements for the provision of landscape elements and their maintenance, tree preservation and mitigation, buffering and screening of property for the purpose of providing orderly, safe and attractive development of land while promoting the health, safety and general welfare of the community.

The city experiences frequent droughts; therefore, it is a purpose of these regulations to encourage the use of drought resistant plants that do not consume large quantities of water.

(Ord. No. 1349, § 2, 9-5-06)

Sec. 106-3. Applicability.

(a) The terms and provisions of this chapter apply to land as follows:

(1) All vacant and undeveloped land within the City of Rockport, Texas, including any newly annexed areas by the city, except specific lands or uses of land as may be exempt herein.

(2) All existing land to be re-developed, including additions and alterations but excluding interior alterations, except specific lands or uses of land as may be exempt herein.

(3) All land that may be subject to landscape maintenance unless as exempt herein.

(b) The terms and provisions of this chapter shall not apply to the following:

(1) Rights-of-way, streets, parks, and any other public land under the ownership or jurisdiction of the city, except specific land or uses of land as may be exempt herein.

(2) Any land under the ownership or jurisdiction of state or federal agencies or other governmental body when otherwise prohibited by statute.

(Ord. No. 1349, § 2, 9-5-06)

Sec. 106-4. Definitions.

For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural shall include the singular, words used in the singular include the plural, words used in the masculine include the feminine, and words used in the feminine include the masculine. The word "shall" is mandatory and not merely directory.

Commented [VS1]: Art - I would like to include somewhere that the director of planning can look at alternatives to code to preserve protected class trees and application for such variances would have fees waived.

ANSI A300: Pruning standards set forth in the standard practices for trees, shrubs, and other woody plant maintenance document.

Buffer device: Means a wall, fence, barrier or vegetative matter that acts as a device to obscure or hide visual, noise or other types of nuisances that may be related to an adjacent property or street.

Building official: See definition in Chapter 2 of the International Building Code.

Building site: A lot or portion of a lot which is designated on the building permit application, including any existing structures, proposed new structures, parking layout and any other site requirements that may be pertinent to development.

Caliper: Any of various measuring instruments usually having two adjustable arms, legs, or jaws used especially to measure diameter or thickness.

Century Class Trees: Trees having a DBH greater than or equal to twenty-four inches (24") and less than forty-eight inches (48") are designated as "Century Class Trees".

Circumference: The measurement around the trunk of a tree at breast height, or 4.5 feet above the ground. Circumference is also diameter multiplied by 3.142. Refer to D.B.H. below.

City: Means the City of Rockport, Texas.

Critical root zone: For any tree, the area within a circle centered on the location of the trunk. The circle's diameter is one-half the sum of the broadest and narrowest drip-line diameters (See Fig. 106-A.).

Damage: Means to take any action which could cause a tree's death, either immediately or after a reasonable period of time, such as pruning or removal of more than 25% of the living tissue, severing the main trunk or large branches or large roots, girdling, poisoning, carving, mutilating, touching with live wires, crushing or exposing roots, digging or drilling a hole larger than three cubic feet (or a trench) within the critical root zone, covering a substantial part of the critical root zone with an impermeable surface, adding an excessive depth of soil to the critical root zone or compacting a substantial part of the soil in the critical root zone to constitute an impermeable surface. The above are examples and are not intended to limit this definition.

D.B.H (diameter at breast height): The diameter of a tree measured in inches at breast height or 4.5 feet above the ground. If a tree forks into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the forks.

Dripline: A vertical line extending from the outermost edge of the tree canopy to the ground (See Fig. 106-A).

Exempt tree: Except as otherwise provided, any tree on public or private property that has a trunk diameter less than six inches (18.75 inches circumference) measured at D.B.H.

Ex-officio member: For the purpose of this chapter, the landscape official or such staff person designated to serve as liaison to the tree and landscape committee, takes part in the deliberations thereof but shall have no vote, except serves as chairman in the absence of the vice-chairman.

Heritage Class Trees: Trees having a DBH greater than or equal to forty-eight inches (48") are designated as "Heritage Class Trees". [The Heritage classification may also be designated by resolution of the City Council to any tree of historical value or significant community benefit by way of recommendation from the tree committee.](#)

Invasive plants: Exotic plants that crowd out or otherwise harm native plants because they have no natural enemies in the Texas Coastal Bend area and therefore reproduce unchecked (See

Table 106-D, Invasive Species).

Landscape official: A City of Rockport employee designated by the city manager to administer the provisions of this document. If no designee, the duties and responsibilities herein shall default to the building official.

landscaping: Any of the following combinations of living vegetative material, such as, but not limited to, grass, shrubs, vines, hedges, various forms of ground cover plants, shade/canopy trees or palms. In addition, non-living durable material, excluding sand, concrete and other forms of paving material may be used to compliment the landscaping for edging and decoration.

Landscape area: An area of property required to meet landscaping requirements as prescribed herein.

Natural area: An area of natural vegetation (brush, vines, grass, etc.) under a tree's canopy or drip line, which has no record of having been cleared and is considered to be in a natural state.

Pre-development activity: Construction activity which includes demolition, moving of buildings, site clearing, grubbing, grading and any other activity which disturbs the surface of land and is actually undertaken, or customarily undertaken, as preparation for development.

Protected Class Tree: Trees having a DBH (diameter at breast height measured four- and one-half feet above existing ground level) between eight inches (8") and less than twenty-four inches (24") are designated as "Protected Class Trees".

Pruning: The cutting or removing any part of the branching structure of a tree in either the crown, trunk or root areas as defined by the latest ANSI A300 standard (See Fig. 106-C).

Public tree: Any tree now or hereafter growing on any city street right-of-way, in any city park, or any public area as designated by the city.

Street yard: The area of a lot which lies between the property line along a dedicated street and the actual wall line of the building; or, if no building exists, to the rear of the property line; or if parking is between the property line and wall line of the building, then between the parking and the property line. Such building lines extend outward from the corners of the building as illustrated in Fig. 106-B.

Tree: A woody plant having one well defined stem or trunk and a more or less definitely formed crown, and usually attaining a mature height of at least eight feet.

Tree specialist: Means a person who possesses professional credentials that attest to such person's proficiency in the science of trees and/or tree ecosystems (i.e.: forestry, arboriculture, etc.).

Tree survey: Means a comprehensive assessment of land containing trees and/or woody vegetation to ascertain their location, condition, size and species. Such survey may be accomplished through aerial photography, topographical maps, on-site inspections/calculations or a combination thereof, which can be adopted into a plan for subsequent development of said land.

Windswept Live Oak tree: Means any Live Oak tree (*Quercus virginiana*) whose crown shows a definite south-east to north-west influence as a result of Rockport's prevailing southeasterly wind. No Windswept Live Oak tree shall be exempt from the necessity to obtain a permit prior to its destruction, as provided herein, and shall be considered a protected tree.

Wood-for-wood: Means that for any given size (whole inches) of tree removed, relative size in wood is replaced. Example: one - eight-inch tree removed, replacement may be with either one - eight-inch tree or the equivalent number of trees to equal or exceed the numerical size of the

tree removed.

Xeriscape: The conservation of water and energy through creative landscaping. The word xeriscape comes from the Greek work "xeros", meaning "dry". This does not mean the landscape is brown or devoid of plants. However, it does mean that it is a well-designed landscape providing the same lush appearance as other non-xeriscape landscapes, but requires significantly less water, energy and maintenance.

(Ord. No. 1349, § 2, 9-5-06)

Sec. 106-5. Tree and landscape committee.

(a) There is hereby designated a committee to be known as the tree and landscape committee. This committee is to function as an advisory board to city staff or city council, as the case may be, in regard to these regulations. Said committee shall be composed of seven members, to wit:

- (1) Five qualified voters of the City of Rockport.
- (2) One member from the Rockport Planning and Zoning Commission.
- (3) One member from the Rockport Park and Leisure Service Board.
- (4) The city landscape official shall serve as ex-officio member to the committee.

(b) Candidates for the tree and landscape committee shall be appointed by the Rockport City Council. In selecting citizens for the committee, every consideration shall be given to include, but not limited to, landscape architects, urban planners, foresters, arborists, master gardeners, horticulturists, etc. Appointed members shall serve overlapping three-year terms with no more than two members up for reappointment in any one-year cycle. Beginning on the effective date of this chapter, two members will be appointed for three years, two members for two years and one member for one year. Any vacancy occurring during the unexpired ~~term~~ of a member shall be filled by the city council **for** the remainder of the unexpired ~~term~~. The committee shall elect from its members a chairperson and vice-chairperson to serve for one year beginning in July of the year elected.

(c) Meetings and duties of the tree and landscape committee:

- (1) The committee shall meet at least once a month or as often as needed to conduct business.

(2) The committee shall make recommendations as necessary for the removal, replacement, protection or maintenance of existing protected trees, significant trees, and newly planted trees; and possible retention of areas of natural vegetation and use of native species in landscape plans.

~~(2)~~(3)

(Ord. No. 1349, § 2, 9-5-06)

Sec. 106-6. Buffering and screening.

(a) The purpose of a buffer, screening wall or fence between properties of dissimilar use is to eliminate or minimize potentially adverse impacts of noise, light, unsightly structures, parking areas, or other incompatible uses.

(b) When a multifamily, commercial or industrial use is established on a building site located adjacent to any one- or two-family residential district, a buffer device, landscaped area

or both shall be provided **in** addition to any site landscaping that may be required of this document. Conversely, when a one- or two-family residential use is established adjacent to any multifamily, commercial, industrial use, a buffer device, landscaped area or both may be erected and maintained along the property line by the residential property owner(s).

- (1) A fence or wall that is provided shall be built in accordance with zoning ordinance.
- (2) All open space within a buffer yard shall be planted with grass or other vegetative ground cover.
- (3) A buffer yard may provide additional plantings in excess of minimum requirements.
- (4) A buffer yard may be interrupted in order to provide access (pedestrian or vehicular) to adjacent parcels.
- (5) The provisions of this section shall not apply where the residential area is separated by a public street, drainage ditch, canal or stormwater detention areas that are a minimum 30 feet in their least dimension.
- (c) In all areas, other than one- and two-family residential districts, a continuous visual screen of either wood, masonry, vegetation, hedge (two-years at maturity) or combination thereof shall be required upon completion of construction, alteration or change in use; for the following:
 - (1) When a nonresidential PUD district or nonresidential specially permitted use is adjacent to a one- or two- family residential area.
 - (2) To screen a service or loading area.
 - (3) To screen the open storage of materials or equipment.
 - (4) To screen refuse storage areas on three sides (refer to Chapter 82, Rockport Code of Ordinances regarding location of refuse storage areas).
 - (5) To screen all roof, ground and wall mounted mechanical equipment (e.g.: air conditioning equipment), which may be viewed from residential uses, streets or public park areas.
 - (6) Screening shall consist of materials consistent with the primary building materials and may include metal screening or louvers which are painted to blend with the primary building.
- (d) In no case shall the following uses be allowed as buffers: playfields, stables, swimming pools, tennis courts or similar active recreation uses; parking areas; garbage dumpster or designated refuse collection areas (refer to Chapter 82, Rockport Code of Ordinances).
- (e) In cases where these requirements can be better met through the use of alternate methods, approval may be granted by the tree and landscape committee.
- (f) Buffering and screening devices shall be maintained by the -
property owner at all times. (Ord. No. 1349, § 2, 9-5-06)

Sec. 106-7. Tree preservation and mitigation account.

The city shall reserve all fee-in-lieu of payments and any accrued interest from the fee-in-lieu of tree mitigation in a separate account from the general funds of the city. This fund shall be known as the tree preservation and mitigation account. The city shall deposit sums collected as cash payments-in-lieu of

tree mitigation in the tree preservation and mitigation account. The city shall maintain records detailing the receipts and expenditures for the tree preservation and mitigation account. All funds deposited as credit for fee-in-lieu of tree mitigation may be used to place trees at public parks, schools, or other approved public facilities throughout the city. The tree preservation and mitigation account funds may also be utilized to install irrigation, to repair or remove damaged or destroyed trees, to preserve and protect existing trees, for advertising and educational purposes related to tree preservation and mitigation, to purchase land in the interest of tree preservation and to purchase equipment for the preservation or protection of existing trees.

Expenditures in excess of \$2,000.00 must have City Council approval. Expenditures less than \$2,000.00 ~~may~~must be approved by the City Manager.

(Ord. No. 1349, § 2, 9-5-06)

Sec. 106-8. Appeals.

- (I) Purpose and applicability. Any decision of the City Manager or his/her designee regarding a tree removal ~~permit,~~apermit, a waiver, or the interpretation of the provisions of this article may be appealed to the City Council.
- (2) Application Requirements. An appeal shall contain a written statement of the reasons why the decision is erroneous, and shall be accompanied by a fee established by the City Council. An appeal by an applicant shall be accompanied by a copy of the application on which the initial decision was rendered. An appeal may include any other documents that support the position of the appellant. A written appeal must be filed with the City Manager or his/her designee within ten (10) business days after the date of notification of the decision on the waiver or permit request.
- (3) Processing of Appeal and Decision.
 - a. Submittal. An appeal shall be submitted, in writing, to the City Manager or his/her designee for processing. Upon receipt of a written appeal, the City Manager or his/her designee shall compile all documents constituting the record of the decision subject to appeal and transmit the record to the City Council.
 - b. Stay of Proceedings. Receipt of a written appeal of a decision ~~prop on a waiver or permit~~ stays all proceedings of the City in furtherance of the decision from which appeal is taken, including without limitation acceptance, processing or issuance of any subsequent development applications, and any development activities authorized by initial approval of the waiver or permit. The stay shall be lifted only if the City Manager or his/her designee certifies in writing to the City Council that a stay would cause imminent peril to life or property. Thereafter, the stay may be reinstated only by order of the City Council or a court of record, on application, after notice to the City Manager or his/her designee, for due cause shown.
 - ~~c. Notification Requirements. An appeal requires the following notification:~~
 - ~~1. Written notice mailed to each owner of real property within two hundred (200) feet of the subject property, as indicated by the most recently approved municipal tax roll, at least ten (10) days prior to the public hearing by City Council.~~

Commented [VS2]: Need guidelines of "trees protected per acre" and who takes control of the land.

Formatted: Indent: Left: 0.57", Hanging: 0.24", Right: 0", Space Before: 0.55 pt, Line spacing: single, Tab stops: 0.81", Left + Not at 1.04" + 1.04"

~~c. 2. Published notice in a newspaper of general circulation at least fifteen (15) days prior to the public hearing by City Council.~~

d. Decision on Appeal. The City Council shall hold a public hearing and decide the appeal within thirty (30) days after written receipt of the request for the appeal. The City Council shall affirm, reverse or modify the decision from which the appeal was taken.

e. Notification of Decision on Appeal. Within ten (10) business days following the decision by City Council, the City Manager or his/her designee shall provide written notification to the applicant of the decision by City Council.

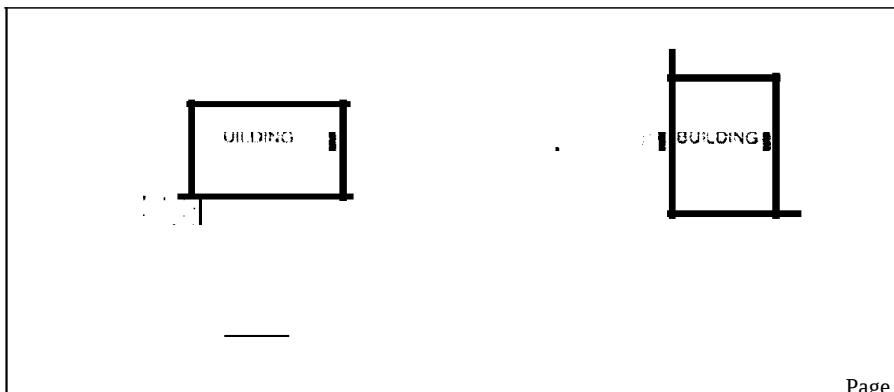
(4) Criteria for Approval. In deciding the appeal, the City Council shall apply the same criteria that govern the initial decision on the waiver or permit under the provisions of this Article

(Ord. No. 1349, § 2, 9-5-06)

Sec. 106-9. Graphics.

The graphics shown in Figures 106-A through 106-E are intended to depict the written representation of specific requirements addressed herein and are not intended to portray accuracy. In addition, these graphics may not be indicative for all areas of the city. Should there be a misinterpretation between the written word and the graphic, the written word shall prevail. Interpretation shall be made by the enforcing authority.

**Figure 106-A
Tree Drip line and critical root zone**



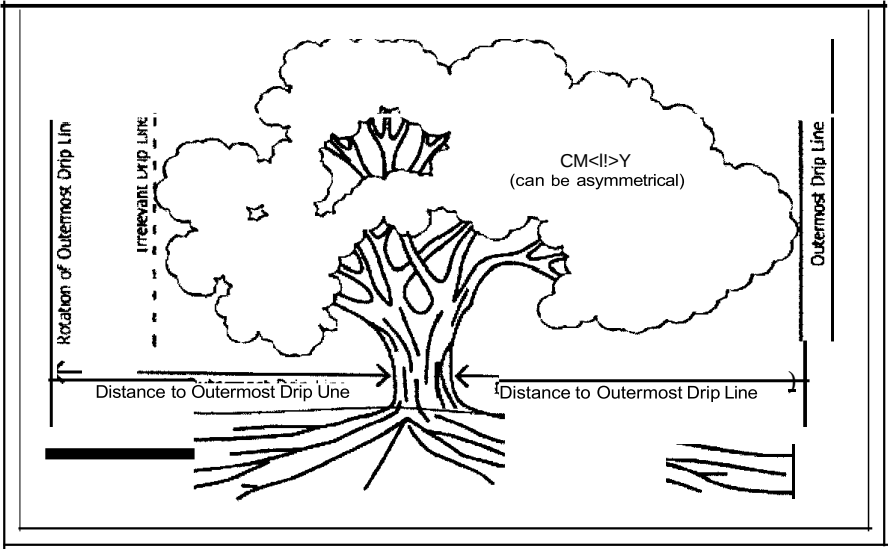


Figure 106-B
Street yards

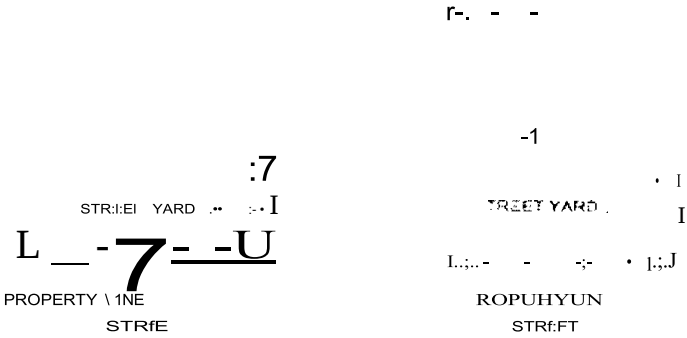
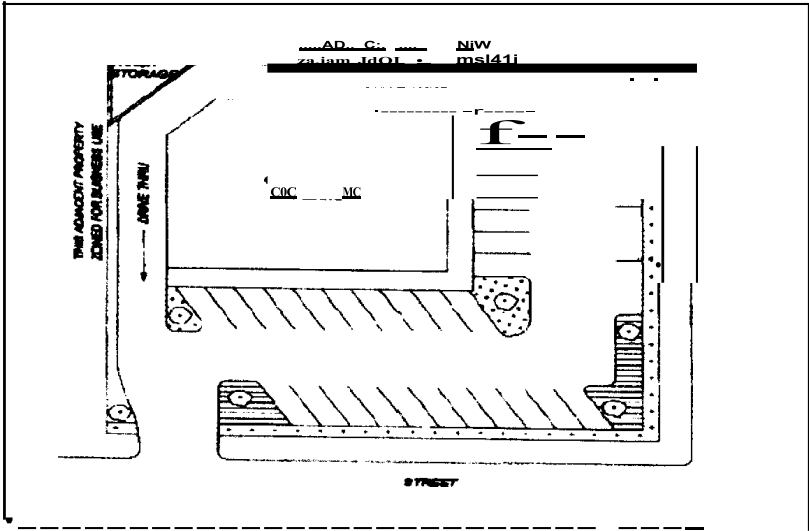


Figure 106-C
Lot Lay-out and Buffer Areas



NOTE: Landscaping adjacent to public right-of-way

1. Minimum of five feet wide strip adjacent to right-of-way boundary with landscape barrier of at least two feet height, plus one tree per each 50 feet of street frontage.
2. All other areas between right-of-way and of-street vehicular use area shall be landscaped.

Figure 106-D.
Street Corner Vision Triangles

landscape plan may be examined or re-examined at any time by the landscape official. If the landscape official determines the plan is deficient either preceding or proceeding development or is determined to be no longer in compliance with reviewed and/or approved plans, the following actions may be taken:

1. If the landscape official determines the plan is deficient either preceding or proceeding development or is determined to be no longer in compliance with reviewed and/or approved plans, the following actions may be taken:

- (1) Refusal to issue permits until plan is made to conform or a sufficient plan is provided and approved.
- (2) Refusal to issue certificate of occupancy.
- (3) Issuance of a stop work order.
- (4) Notice of violation issued as set forth below.
- (b) *Notice of violation.* Whenever any tree or landscape plan is found to be in violation of this article, the owner/developer of the affected property shall be given notice of the violation and a time to cure the violation as provided by this section. The notice must be in writing and may be given:
 - (1) By hand delivery to the owner or person in possession of the property;
 - (2) By letter addressed to the owner at the owner's last known address as indicated in the records of the Aransas County Appraisal District; or
 - (3) If the owner or person in possession cannot be contacted by (1) or (2) above, then the city may attempt to notice the owner/developer by one of the following additional methods:
 - a. By publication in a newspaper of general circulation at least twice within ten consecutive days;
 - b. By posting the notice on or near the front door of each building on the property to which the violation relates; or
 - c. By posting the notice on a placard attached to the property to which the violation relates if the property contains no buildings.

The notice shall set forth the specific violation(s) and what action(s) shall be necessary to bring the plan or property into compliance with this chapter.

(Ord. No. 1349, § 2, 9-5-06)

Sec. 106-12. Remedies for violation.

- (a) *Cumulative remedies.* If the property has not been brought into compliance within 90 days after notification and no appeal has been made by the owner/developer, the city may pursue any remedy or remedies available at law or in equity for a violation of this chapter, including, but not limited to, injunctive relief. No election of one remedy shall preclude the utilization of any other remedy. All remedies available to the city to enforce this chapter are cumulative.
- (b) *Penalty.*
 - (1) Failure to comply with any provision of this chapter constitutes a class C misdemeanor punishable as provided by the general penalty provisions of section 1-7 of the Rockport Code of Ordinances. Each individual tree on each day the violation of this chapter exists shall constitute separate violations.
 - (2) Removal of undocumented trees constitutes a class C misdemeanor punishable as provided by the general penalty provisions of section 1-7 of the Rockport Code of Ordinances. Each individual tree on each day the violation of this chapter exists shall constitute separate violations.

(Ord. No. 1349, § 2, 9-5-06)

Secs. 106-13---106-14. Reserved.

Article II. Tree Regulations

Sec. 106-15 - Tree Preservation and Mitigation.

- (a) Purpose and Intent.
 - (1) The purpose of this section is to conserve, protect and enhance existing healthy trees and natural

landscape. The City values it's indigenous and historic natural features; therefore the placement of proposed buildings and improvements should be oriented in a manner that allows for the preservation of existing trees. The Director of planning shall provide insight on placement of improvements to preserve trees and any variances for this purposes shall have their fees waived. It is recognized that the preservation of existing trees contributes to the overall quality and environment of the City. Trees can and do contribute to the processes of purification, oxygenation, regeneration, groundwater recharge, reduction of pollution and contaminants in aquifers, erosion and dust control, abatement of noise, provision of wildlife habitat and enhancement property values.

(+) Indiscriminate clearing.

(II) or stripping of natural vegetation on any parcel is prohibited.

(2) It is hereby declared the intent of the City to encourage the preservation of all trees within the City limits.

While the layout of a property with respect to the placement of buildings, parking facilities and other site requirements is at the discretion of the developer of the property, it is the policy of the City to promote site layout and design in a manner which preserves the maximum amount of Protected Class, Century Class, Heritage Class, and Windswept Live Oak trees possible.

(b) Applicability and Exemptions.

(1) The provisions of this section are applicable to the following:

- a. all new residential and nonresidential development within the City;
- b. redevelopment of any residential or nonresidential property within the City that results in an increase in the building footprint or the total destruction and reconstruction;
- c. any grading, filling or clearing of land in the City limits; and
- d. any selective or individual removal of any Protected Class Trees, Century Class Trees, Heritage Class Trees, and Windswept Oak Trees in the City limits.

(2) The following definitions shall be applicable to the provisions of this section:

- a. Protected Class Trees. Trees having a DBH (diameter at breast height measured four- and one-half feet above existing ground level) between eight inches (8") and less than twenty-four inches (~~24~~15") are designated as "Protected Class Trees".
- b. Century Class Trees. Trees having a DBH greater than or equal to twenty-four inches (~~24~~16") and less than forty-eight inches (~~26~~48") are designated as "Century Class Trees".
- c. Heritage Class Trees. Trees having a DBH greater than or equal to forty-eight inches (~~27~~48") are designated as "Heritage Class Trees". Heritage class trees may also be designated by a resolution of the City Council to any tree of historical value or significant community benefit.
- d. Windswept Oak Trees. Any Live Oak tree whose crown shows a definite south-east to north-west influence as a result of Rockport's prevailing southeasterly wind

(3) The following are exempt from the preservation and mitigation requirements of this section:

- a. Protected Class Trees located within the area of a proposed on-site sewage facility (OSSF). A waiver to mitigation for Century Class Trees and Heritage Class Trees may be requested;
- b. Protected Class, Century Class Trees and Heritage Class Trees located within a right-of-way to be dedicated to and maintained by the City and shown on the City's Master Thoroughfare Plan;
- c. Protected Class Trees located within any utility easement. Protected Class Trees located within any utility easement are exempt from preservation requirements only. A waiver to mitigation for Century Class Trees and Heritage Class Trees may be requested;
- d. Protected Class, Century Class, Heritage Class, and Windswept Oak trees damaged or destroyed by floods, fire, wind or other natural causes;
- e. Dangerous, diseased, damaged, dead or dying Protected Class, Century Class, Heritage Class, and Windswept Oak trees as determined by a certified Texas Arborist;
- f. Protected Class, Century Class, Heritage Class, and Windswept Oak trees that are less than ~~14~~0" in

Formatted: Not Expanded by / Condensed by

Formatted: Indent: Left: 0.31", Hanging: 0.24", Space Before: 3.8 pt

Formatted: List Paragraph, Indent: Left: 0.31", Hanging: 0.24", Right: 0.08", Line spacing: Multiple 1.02 li, Numbered + Level: 2 + Numbering Style: I, II, III, ... + Start at: 1 + Alignment: Left + Aligned at: 0.31" + Indent at: 0.55", Tab stops: 0.55", Left + 0.56", Left

diameter at the point on the trunk 4.5' above the ground located on property that has an existing one family or two-family dwelling that is occupied;

- g. Protected Class trees of a species listed in Table 106-D.8 *Plant Species list- Invasive Species*. A waiver to mitigation for Century Class, and Heritage Class trees may be requested;
 - h. Protected Class, Century Class, and Heritage Class trees of the following tree species are exempt:
 - 1. Hackberry (*Celtis occidentalis*)
 - 2. Eastern Red Cedar (*Juniperus virginiana*)
 - 3. Common Ashe Juniper (*Juniperis ashei*)
 - 4. Chinaberry (*Melia azedarach*)
 - 5. Mesquite (*Prosopis* spp.)
 - 6. Ligustrum (*Ligustrum* spp.)
- (c) Tree Preservation. The existing natural landscape character shall be preserved to the maximum extent reasonable and feasible. Except as otherwise exempted in section 106-15.b.3 above, a Tree Removal Permit is required for the removal of any tree with a DBH of eight inches (8") or greater.
- (1) Protected Trees. Any Protected Trees not exempt from preservation in section 106-15.b.3 above may be removed upon approval of a Tree Removal Permit by the City Manager or his/her designee.
 - (2) Century Trees. Any Century Trees not exempt from preservation in section 106-15.b.3 above may be removed upon approval of a Tree Removal Permit by the City Manager or his/her designee.
 - (3) Heritage Trees. Any Heritage Trees not exempt from preservation in section 106-15.b.3 above may be removed upon approval of a Tree Removal Permit by the City Manager or his/her designee.
 - (4) Minimum Preservation. In the development of any site, at least twenty-five percent (25%) of all non-exempt Protected Class, Century Class, and Heritage Class trees must be preserved. A waiver to the 25% preservation requirement may be requested.
- (d) Tree Mitigation. Any non-exempt Protected Class, Century Class, or Heritage Class trees that are removed or damaged, shall be mitigated for on the same site as the proposed development. All trees planted for mitigation purposes must be a species of shade tree identified in table 106-15.d.7: *Plant species list- Shade Trees*. In the event that mitigation is not feasible on the same site as the proposed development, an applicant may request to donate trees, meeting the mitigation requirements of this section, to be planted at public parks, schools, or other approved public facilities throughout the City or pay a fee-in-lieu. Approval of requests to donate trees or pay a fee-in-lieu are at the discretion of the City Manager or his/her designee. Mitigation requirements are:
- (1) Protected Class Trees. Protected trees shall be mitigated at a one-to-one (1:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two- and one-half inches (2.5").
 - (2) Century Class Trees. Century Class trees shall be mitigated at a three-to-one (3:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two- and one-half inches (2.5").
 - (3) Heritage Class Trees. Heritage Oak trees shall be mitigated at a five-to-one (5:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two- and one-half inches (2.5").
 - (4) Windswept Oak Trees shall be mitigated at a five-to-one (5:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two- and one-half inches (2.5").
 - (5) Damaged Trees. Any trees that are designated for preservation and are damaged during the construction process or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated for in accordance with subsection 106-15.d.1, d.2, d.3, and d.4 above.
 - (6) Mitigated Trees. Trees planted and counted towards the necessary mitigation requirements that are damaged after planting or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated for at a one-to-one (1:1) DBH inch ratio for every tree damaged or that dies.

(7) Mitigated trees CRZ cannot have been impacted by construction activities

(6)(8) Mitigated trees cannot be located in a Public Utility Easement.

Table 106-15.d 7: Plant species list-SHADE TREES

SCIENTIFIC NAME	COMMON NAME
<i>Quercus macrocarpa</i>	Bur Oak (H, N)
<i>Quercus virginiana</i>	Live Oak (H, N)
<i>Quercus /aceyi</i>	Lacey Oak
<i>Taxodium distichum</i>	Bald Cypress (W)
<i>Taxodium mucronatum</i>	Montezuma Bald Cypress (W)
<i>Ulmus americano</i>	American Elm
<i>Ulmus crassifolia</i>	Cedar Elm (N)
<i>Pithecellobium flexicaule</i>	Texas Ebony (F, H, N)
<i>Araucaria heterophylla</i>	Norfolk Island Pine (F)
<i>Pinus thunbergia</i>	Japanese Black Pine
<i>Ehretia anacua</i>	Anaqua (N, H)
<i>Parkinsonia aculeata</i>	Retama (H, N)

(e) Tree Protection Standards.

(1) All trees to be preserved on site shall be protected from damage caused by site excavation or construction in accordance with the following:

- All trees shall be protected by a fence, frame or box constructed around the drip line of the preserved tree. Protection measures may not be removed until construction is complete.
- A minimum of three inches (3") of mulch or compost shall be spread beneath the drip line of the preserved tree.
- No person shall excavate any ditches, tunnels, or trenches, place any paving material or place any drive or parking area within the drip line of any Protected Class, Century Class, Heritage Class, and Windswept Oak Tree without prior written approval of the City Manager or his/her designee.
- No person shall attach any rope, wire, nails, advertising posters or other contrivance to any Protected Class, Century Class, Heritage Class, and Windswept Oak Tree.

(2) Windswept Live Oak Tree Protection.

- Windswept Live Oak trees are considered a special natural resource unique to this area, shaped and created by forces of nature, and are irreplaceable. Windswept Live Oak trees provide character and beauty to the community, and special preservation of such trees benefits the community. Windswept Live Oak trees not exempted by section 106-15.b.3 above may only be removed if:
 - It is demonstrated by clear and convincing evidence that the applicant's stated reasons for removal exist in fact and the removal is imminently necessary to accomplish the applicant's stated reason(s).
 - A reasonable effort to preserve the tree/s has been made and reasonable alternatives have been

evaluated and determined to not be feasible.

(3) Heritage Tree Protection Requirements

- a. Heritage trees shall be graphically identified on Subdivision Plats, and the plats shall contain a note stating that such trees cannot be removed without prior consent from the City
- b. Each plat shall contain certification, with a plat note, that all individual lots containing Heritage Trees are configured and designed so that the lot is developable for the intended purpose without requiring removal of the Heritage Tree or exceeding the percentage of allowable disturbance within the Heritage Tree CRZ
- c. It shall be unlawful to prune a Heritage Tree without an approved Heritage Tree pruning permit.
- d. Heritage Trees shall not be removed or damaged in rights-of-way or easements, unless specifically approved by the Urban Forester.

(4) Critical Root Zone Protection

- a. No construction or disturbance shall occur within an area that constitutes more than 50 percent (50%) of the total CRZ and one-half of the radial distance of the CRZ for each tree being preserved, including Protected Trees, Heritage Trees, and any other trees for which credit for preservation is to be assigned per this chapter. This defined area shall be flagged and encircled with protective fencing during construction. The City Official approve construction closer to the trunk than one-half the radial distance, depending on the size, spacing or species of the tree, the type of disturbance proposed, and uniqueness of the situation, if acceptable, supplemental, nutrients and /or soil aeration are provided and the probable survival rate of the tree is high.
- b. Cut or fill that is greater than four inches in depth and the severing of major roots shall be considered disturbance for the purposes of this chapter.
- c. Within the protected CRZ, only flatwork, decking or similar construction, may be approved and shall not affect the branching of the tree.
- d. If proposed or actual protection of the CRZ of a tree does not meet the requirements of this section, then the tree shall be considered removed and shall require mitigation.

2-

(f) Obstruction; pruning of trees.

- a. Maintenance pruning allows for the healthy uniform growth of trees. Tree pruning should be accomplished in accordance with the procedures set forth in the latest ANSI A300 standard. The use of unnatural pruning techniques will be considered an unauthorized removal of a tree unless the tree is designated on an approved landscape plan to be shaped or formed in an unnatural pattern or to be maintained at a certain height.
- b. It shall be the duty of any person or persons owning or occupying real property bordering on any street or public way upon which property there may be trees or other vegetation, to prune such trees or other vegetation on their property in such a manner that they will not obstruct or shade streetlights, obstruct the passage of pedestrians, obstruct vision or traffic signs, obstruct flow of vehicular traffic, or obstruct view of any street or alley intersection. Minimum clearance of any overhanging portion thereof shall be determined by the city public works department.
 - (1) Notice to prune. Should any person or persons owning real property bordering on any street fail to prune trees as herein above provided, the landscape official, or his/her designee, shall order such person, or persons, within ten days after receipt of written notice, to prune such trees.
 - (2) Order required. The order required herein shall be served in accordance with notification procedures as outlined in section 106-11, of this article.
 - (3) Failure to comply.

Formatted

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.33" + Indent at: 0.57"

Formatted: Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.56" + Indent at: 0.8"

Formatted: No bullets or numbering, Tab stops: 0.38", Left + Not at 1.03" + 1.04"

When a person to whom an order is directed fails to comply within the specified time, the landscape official, or his/her designee, may have such trees pruned in the interest of public safety.

c. On any corner lot, no vegetation shall be permitted or maintained higher than three feet above ground level or average street level within a vision triangle formed by a straight line from the points of the two intersecting right-of-way lines 20 feet back from their common intersection. This restriction shall not apply to permanent structures authorized by other sections of this article nor by other local, state, or federal laws. This restriction shall not apply to the trunks of trees as long as said trees are not clustered in a way so as to impede vision and are pruned so that all overhanging limbs will not impede vision.

(g) Tree Preservation Credits-Nonresidential and Multifamily Developments.

(1) To encourage the preservation of existing Protected Class, Century Class, Heritage Class, and Windswept Oak Trees contained within a proposed development, tree preservation credits may be requested to reduce the amount of new landscaping trees required on nonresidential and multifamily sites. Tree preservation credits can be issued to offset landscape buffer requirements when the tree being preserved is located within the buffer. Tree preservation credits can also be issued to satisfy total trees per acre requirements. The following minimum tree preservation credits may be requested:

- a. Protected Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a one-to-one (1:1) caliper inch ratio;
- b. Century Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a three-to-one (3:1) caliper inch ratio;
- c. Heritage Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a three-to-one (3:1) caliper inch ratio;
- d. Windswept Oak Trees shall receive a credit against the minimum required landscaping or mitigation standards at a five-to-one (5:1) caliper inch ratio;

(2) Tree preservation credits may only be applied to the site where the trees are being preserved and only to offset new tree planting requirements. Credits may only be used to offset required new landscaping and must be requested at time of building permit.

(h) Tree Removal Permit.

(I) Permit Required. A tree removal permit is required for the removal of any Protected Class, Century Class, and Heritage Class, tree/s not exempt in section 106-15.b.3 above and any Windswept Live Oak Tree regardless of size, classification, or exemption status. Application for a Tree Removal Permit must be accompanied by an appropriate application as identified in the City's Development Manual.

(II) Removal of Protected or Heritage Class Trees.

a. Transplanting of a Protected or Heritage Tree.

Protected and Heritage Trees may be transplanted to a suitable location either on the same property or off site, as approved by the City. To qualify for a transplant, the owner must submit fiscal surety to the city and a two year guarantee of monitoring and maintenance program for the transplanted trees. The Property owner shall submit quarterly statements that demonstrate compliance with the required tree monitoring and maintenance provided by an approved tree care service.

b. Heritage Tree Removal Permit

Heritage trees may only be removed with the approval of a Heritage Tree removal permit. Prior to the approval of a Heritage Tree removal permit, all other efforts to preserve the tree should be attempted.

(i) Protected or Heritage Tree Damage

No act shall be allowed, accidentally or otherwise, that may reasonably be expected to cause a Protected or Heritage Tree to die or be damaged or to otherwise harm the aesthetic value, including, but not limited to, topping or excessively pruning more than 30 percent (30%) of the viable portion of a protected or Heritage Tree crown (non-residential only); inappropriate shaping (i.e., Topiary); damaging the root system, compacting the soil, changing the

Formatted: Font: 10.5 pt, Character scale: 100%

Formatted: Font: 10.5 pt, Character scale: 100%

Formatted: Font: 10.5 pt, Character scale: 100%

Formatted: Font: 10.5 pt

natural grade or paving. The remedies for such act shall be determined as follows:

- a. Of the City determines that the tree has been damaged, the property owner shall be required to take action to assure the future vitality of the tree.
- b. If the City determines that the damage is so great that te tree is no longer reasonably sustainable, the tree shall be required to be removed at the expense of the property owners and mitigation standards in the section shall take effect.

(+)(j)

(+)(j) Violations.

- (I) Work without a Tree Removal Permit. It shall be a violation of this chapter for any person or corporation to remove without a Tree Removal Permit, any non-exempt Protected Class, Century Class, and Heritage Class tree or any Windswept Live Oak Tree regardless of size, classification, or exemption status.
- (2) It shall be unlawful for any person or corporation to develop and/or maintain property in violation of this chapter.
- (3) Penalties and appeals shall be in accordance with the provisions laid out in Article I of this chapter.

G) Waiver.

- (I) General. The City Manager or his/her designee may authorize waivers from the provisions of this Article when, in their opinion, undue hardship will result from requiring strict compliance. Waivers may be granted only to items specifically stated in this section. Waivers must meet one of the following eligibility requirements:
 - a. The tree is proposed for removal in order for the property to achieve compliance with other applicable City requirements and standards (i.e. site design or storm water management); or
 - b. The tree is proposed for removal because it is within a future public utility location; or
 - c. Minimum preservation requirements cannot be met due to too few trees or an excessive abundance of trees on site.
- (2) Criteria for approval. Waivers shall be evaluated using the following criteria:
 - a. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees or windbreaks;
 - b. The requested waiver does not violate the intent of this section or the Rockport Code of Ordinances;
 - c. Strict interpretation of the provisions of the section would deprive the applicant of rights commonly enjoyed by other nearby properties in the same zoning district or with the same land use that would comply with the same provisions;
 - d. A reasonable effort to preserve the tree has been made and reasonable alternatives have been evaluated and determined to not be feasible.

(k) Tree Mitigation Fee-in-lieu.

- (I) The tree mitigation fee-in-lieu of replanting shall be \$50 per inch of mitigation.

Secs. 106-16-106-29. Reserved.

Formatted: Font: 10.5 pt, Character scale: 100%

Formatted

TREE & LANDSCAPE COMMITTEE AGENDA

Called Meeting: April 15, 2025

AGENDA ITEM: 4

Discussion, consideration, and action regarding placing a notice on the water bills to advertise the Tree Ordinance and provide information to citizens.

SUBMITTED BY: Vice Chair Shelly Steckler / Carey Dietrich

BACKGROUND: The process for placing advertisements on the water bills is as follows:

Provide the Utilities Department with the statement we wish to publish. Only 10 lines available so a short statement of 4 to 5 sentences. Must be submitted to Ms. Jamie Gonzales no later than April 24, 2025.

ADDRESS	AMOUNT	PAYMENT	PAID BY	DATE
622 E Market	\$ 13,600.00	CK 0464775	Speedy Stop Food Stores	11/3/2022
802 ENTERPRISE	\$ 5,000.00	CK 8395	RICKS HOMES	2/27/2023
1824 YOUNG ST	\$ 1,000.00	MO 22-019041493	Darcy & Stacy Dorn	3/1/2023
1824 YOUNG ST	\$ 1,000.00	MO 22-019041494	Darcy & Stacy Dorn	3/1/2023
1824 YOUNG ST	\$ 1,000.00	MO 22-019041495	Darcy & Stacy Dorn	3/1/2023
1824 YOUNG ST	\$ 375.00	MO 22-019041496	Darcy & Stacy Dorn	3/1/2023
105 PEACHTREE DR	\$ 650.00	CK 297	AARON M PRIDGEON	4/5/2023
802 ENTERPRISE	\$ 15,000.00	CK 1072	RICKS HOMES	4/21/2023
802 ENTERPRISE	\$ 12,750.00	CK 1080	RICKS HOMES	5/22/2023
1812 W MARKET ST	\$ 20,100.00	CK 1001	MICHAEL HUNTER	5/31/2023
SIMMONS TREE FARMS	\$ (12,140.00)	PO# 22-00418	CITY OF ROCKPORT	10/2/2023
1812 W MARKET ST	\$ 1,350.00		MICHAEL HUNTER	8/8/2023
29 WHOOPING CRANE	\$ 900.00	2072	TURF'S UP LAWN MNGT SIYATA STORAGE (NOSSON	10/30/2023
835 W MARKET	\$ 4,800.00		DUBIN	11/17/2023
Balance of FedX/Arbor Day Foundation \$12,000 Grant	\$ 6,554.93	PER FINANCE	FED X / ARBOR DAY FOUNDAITON	
1603 Pirate Dr (Highschool)	\$ 12,725.00	CK # 243720	Teal Const	1/23/2024
2302 Hwy 35 N - Starbucks	\$ 17,200.00	CK# 1503	DLS Realty Corp	3/7/2024
208 Doral	\$ 500.00	Ck# 1583	Chad/Gaylynn Diebel	4/17/2024
101 Poquito	\$ 3,400.00	CH# 0600	Christopher Nichols	7/5/2024
C Outdoors Billboard	\$ (300.00)	PO# 23-00497	City of Rockport	7/5/2024
Cooper Billboard	\$ (325.00)	PO# 23-00498	City of Rockport	7/5/2024
3588 SH 35 Bypass - 7/11 Stores	\$ 38,250.00	Ck# 24703	Rockport Retail Partners,LTD	7/22/2024
Amazon - Tree watering bags & DBH Measuring Tape	\$ (295.38)		City of Rockport	8/20/2024
Cooper Billboard	\$ (325.00)	PO# 23-00498	City of Rockport	8/20/2024
C Outdoors Billboard	\$ (300.00)	PO# 23-00497	City of Rockport	
Pearl Point Storage	\$ 11,100.00	Ck#673842	Pearl Point Storage LLC	9/4/2024
Cooper Billboard	\$ (325.00)	PO# 23-00498	City of Rockport	9/13/2024
Cooper Billboard	\$ (1,160.00)	PO# 23-00498	City of Rockport	9/13/2024
Cooper Billboard	\$ (325.00)	PO# 23-00498	City of Rockport	9/20/2024
Cooper Billboard	\$ (810.00)	PO# 23-00498	City of Rockport	9/20/2024
NTN (Trees for Arbor Day)	\$ (3,186.00)		City of Rockport	10/4/2024
Amazon (Watering Bags)	\$ (265.98)		City of Rockport	10/15/2024
Amazon (Tree Fertilizer Spikes)	\$ (178.30)		City of Rockport	10/15/2024
Cooper Billboards	\$ (1,135.00)	PO# 24-00026	City of Rockport	10/20/2024
Lowes - Mulch	\$ (378.49)	CC	City of Rockport	10/21/2024
174 Shady Terrace Ln	\$ 1,550.00	CH# 325	Brendan H Huwar	10/21/2024
2405 Hwy 35 N (Taquila Jalisco)	\$ 1,900.00	CH# 1191	Coastal Custom Const, LLC	10/23/2024
Fire Chef Catering/Shelly Steckler	\$ (1,104.00)		Shelly Steckler	10/31/2024
Ace Hardware (shovels/supplies)	\$ (141.98)		Parks Department	10/31/2024
130 Barbuda Dr.	\$ 1,875.00	CK 1282	Douglas Reynolds	11/7/2024
1703 Stadium Dr - softball field	\$ 3,825.00	Ch# 7343	RF ISD	11/7/2024
941 Hwy 35 S - Crowley	\$ 5,250.00	Ch# 20408	Crowley Properties	11/20/2024
Cooper Outdoor	\$ (1,135.00)	PO# 24-00026	City of Rockport	11/20/2024
2302 HWY 35 N - Starbucks	\$ 1,812.50	CK 1257	DLS Realty Corp	11/22/2024
Cooper Outdoor	\$ (1,135.00)	PO# 24-00026	City of Rockport	12/20/2024
Cooper Outdoor	\$ (1,135.00)	PO# 24-00026	City of Rockport	1/20/2025
100 Paquito	\$ 600.00	CH# 5321	Janice Nichols	1/23/2025
1936 HWY 35 N	\$ 200.00	CASH (Bal 800.00)	NGA PHAM	2/12/2025
Cooper Outdoor	\$ (1,135.00)	PO# 24-00026	City of Rockport	2/20/2025
Native Texas Nursery (birding sanctuary)	\$ 1,416.00	Credit Card	City of Rockport	3/3/2025
1936 HWY 35 N	\$ 200.00	CASH (Bal 600.00)	NGA PHAM	3/5/2025
1703 Picton	\$ 3,825.00	CH# 5527	HMCI General Contractors	3/10/2025
226 Portia	\$ 1,675.00	ck 1079	Kyle Koenning	3/13/2025
Cooper Outdoor	\$ (1,135.00)	PO# 24-00026	City of Rockport	3/20/2025
Professional Tree Care (trim trees in R-O-W -hazardous)	\$ 1,100.00	Pd. By check 04/01/25	City of Rockport	4/1/2025
1936 HWY 35 N	\$ 300.00	CASH (Bal 300.00)	NGA PHAM	4/2/2025
Total Account Balance	\$ 164,413.30			